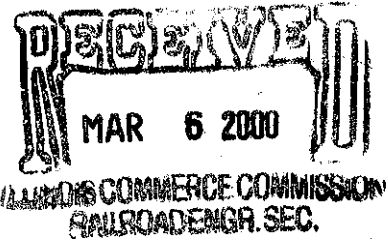


COPY

STATE OF ILLINOIS     )  
                              ) SS  
COUNTY OF COOK        )

STATE OF ILLINOIS  
ILLINOIS COMMERCE COMMISSION



DEPARTMENT OF TRANSPORTATION,     )  
STATE OF ILLINOIS,                     )

Petitioner,                     )

Case No. *T00-0017*

vs.                             )

Parcel 19G 0026PE-A,C,E,F

WISCONSIN CENTRAL LTD.,             )  
an Illinois corporation,             )

Respondent.                     )

Petition for approval of the     )  
taking or damaging of certain     )  
properties in Lake County,         )  
Illinois by exercising the right   )  
of eminent domain.                 )

**PETITION FOR APPROVAL TO TAKE PROPERTY**

TO THE ILLINOIS COMMERCE COMMISSION:

Petitioner, DEPARTMENT OF TRANSPORTATION, STATE OF ILLINOIS, a Department of the State Government of Illinois, by JAMES E. RYAN, Attorney General of the State of Illinois, and John T. Kennedy, Special Assistant Attorney General, and Michael J. Halpin, Assistant Attorney General, pursuant to Section 5/7-102 of the Eminent Domain Act of Illinois (735 ILCS 5/7-102), requests approval of the Illinois Commerce Commission for the taking and damaging of certain properties owned by Respondent WISCONSIN CENTRAL LTD., an Illinois corporation, an interstate common carrier subject to the jurisdiction of the ILLINOIS COMMERCE COMMISSION, and respectfully states:

DOCKETED

1. That pursuant to Articles 2 and 4 of the Illinois Highway Code, (605 ILCS 5/2-101 to 5/2-220 and 5/4-101 to 5/4-512 and all other applicable provisions of said Illinois Highway Code), Petitioner is engaged in the construction, improvement, locating, relocating, reconstructing, extending, widening, straightening, resurfacing, repairing, and maintaining of F.A.P. 344 (U.S. Rt. 45) from Illinois Route 137 to Illinois Route 176 in Lake County, Illinois, a State highway under the control and jurisdiction of Petitioner; and that for such purposes, and the providing of natural deposits and road materials therefor, said highway has been surveyed, laid out, and projected over certain lands and premises situated in Lake County, Illinois; and that said lands and premises, which are the subject of the petition, are in the Section of U.S. Rt. 45 from Illinois Route 137 to Illinois Route 176 in Lake County, Illinois, which is concerned with the widening and resurfacing of F.A.P. 344 (U.S. Rt. 45) in Lake County, Illinois.

2. Under the Illinois Highway Code, F.A.P. 344 (U.S. Rt. 45) from Illinois Route 137 to Illinois Route 176 in Lake County, Illinois is a part of and included in the State Highway System.

3. Section 5/4-501 of the said Illinois Highway Code (605 ILCS 5/4-501 provides:

"The Department, in its name, or any county may acquire the fee simple title, or such lesser interest as may be desired, to any land, rights, or other property necessary for the construction, maintenance or operation of State highways, or necessary for locating,

relocating, extending, widening or straightening any State highway, or necessary for locating, relocating, extending widening or straightening an existing street or for laying out, establishing or opening a new street within the corporate limits of any municipality which has been designated by the Department as a street to form a part of or to connect with a State highway leading up to the corporate limits of such municipality, or necessary for any other purpose or use contemplated by this Code by purchase or by the exercise of the right of eminent domain under the eminent domain laws of this state and the Department shall not be required, in any case, to furnish bond."

4. That the lands, rights or other property hereinafter described are private property, and the persons hereinafter mentioned in connection therewith are, so far as appears of record, and so far as Petitioner has been able to learn, the persons who own, or otherwise are interested in the same or claim to have some interest therein.

5. That the improvement aforesaid is a public work, for public use and constitutes a public purpose, namely a public highway; that it is necessary Petitioner have and acquire for the use of the People of the State of Illinois for highway purposes, the lands, rights or other property hereinafter described.

6. The Respondent WISCONSIN CENTRAL LTD. is an interstate common carrier, a rail carrier as defined in the Illinois Commercial Transportation Law, 625 ILCS 5/18c-1104, is engaged as a rail carrier within the State of Illinois, and is subject to the jurisdiction of the Illinois Commerce Commission under 625 ILCS 5/18c-7101, Jurisdiction over rail carriers.

7. The Respondent WISCONSIN CENTRAL LTD. holds fee simple title to certain real property sought to be acquired, said property being located in Lake County, the legal description of which is attached hereto and marked as Exhibits "A", "B", "C", and "D". This real property is located at or adjacent to U.S. Rt. 45 from Illinois Route 137 to Illinois Route 176, at Dunbar Road and at Peterson Road, in Lake County, Illinois. Petitioner seeks to acquire a permanent easement in the above described property. A copy of the Department's Plat of Highways depicting the property sought to be acquired by the Petitioner is shown on Exhibits "E", "F", and "G" attached hereto.

8. That Petitioner is authorized under provisions of the Illinois Highway Code (605 ILCS 5/4-501 and all other applicable provisions of said Illinois Highway Code), subject to the approval of the Illinois Commerce Commission, to acquire the fee simple title, or such lesser interest as may be desired, to Parcel 19G 0026PE-A,C,E,F, legally described in Exhibits "A", "B", "C", and "D" attached hereto, and to the lands, rights or other property necessary to this improvement.

9. That compensation to be paid by Petitioner for or in respect to each parcel of property sought to be appropriated or damaged for the above-mentioned purposes cannot be agreed upon, or the form of conveyance cannot be agreed upon, between Petitioner and the parties interested therein, although Petitioner has attempted to effect such an agreement; and that

Petitioner, therefore, is authorized subject to the approval of the Illinois Commerce Commission and desires to proceed to acquire said lands, rights or other property through the exercise of the right of eminent domain under the eminent domain laws of this State.

10. Section 7-102 of the Code of Civil Procedure (735 ILCS 5/7-102) requires Petitioner to obtain approval of the Illinois Commerce Commission prior to the taking or damaging of the property of Respondent WISCONSIN CENTRAL LTD. described in Exhibits "A", "B", "C", and "D".

WHEREFORE, Petitioner, DEPARTMENT OF TRANSPORTATION, STATE OF ILLINOIS, requests the Illinois Commerce Commission under its authority pursuant to the Illinois Commercial Transportation Law, 625 ILCS 5/18c-1101 et seq., to approve the taking or damaging of the above described real property of the Respondent WISCONSIN CENTRAL LTD., an Illinois corporation, by the exercise of the right of eminent domain pursuant to the Illinois Code of Civil Procedure, Eminent Domain, 735 ILCS 5/7-101 et seq., and for such other relief or order as may be equitable and just.

DEPARTMENT OF TRANSPORTATION,  
STATE OF ILLINOIS

By: JAMES E. RYAN  
Attorney General of Illinois

BY: John T. Kennedy  
John T. Kennedy  
Special Assistant  
Attorney General

Michael J. Halpin  
Michael J. Halpin  
Assistant Attorney General

Reviewed and Approved  
for filing:

Keith E. Letsche  
Keith E. Letsche, Chief  
Land Acquisition Bureau  
Assistant Attorney General

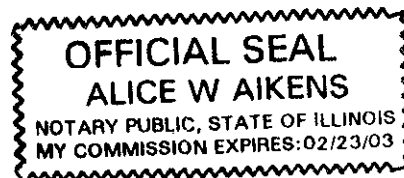
State of Illinois     )  
                              ) SS  
County of Cook        )

I, John T. Kennedy, being first duly sworn, depose and state that I am a Special Assistant Attorney General for the State of Illinois, that I have read the above and foregoing Petition by me subscribed, have knowledge of the contents thereof, and that on information and belief the contents are true in substance and in fact.

John T. Kennedy  
John T. Kennedy, Special  
Assistant Attorney General

Subscribed and sworn to  
before me this 16 th day of  
February, 2000

Alice W. Aikens  
Notary Public



James E. Ryan, Illinois Attorney General  
Michael J. Halpin, Assistant Attorney General  
Office of the Attorney General-Land Acquisition Bureau  
100 W. Randolph Street, 12<sup>th</sup> Floor  
Chicago, Illinois 60601  
(312) 814-5470

John T. Kennedy  
Special Assistant Attorney General  
500 Davis Street, Suite 701  
Evanston, Illinois 60201  
(847) 425-1115

**CERTIFICATE OF ATTORNEY**

I certify that on February 29, 2000, I served this Petition for Approval to Take Property by mailing a copy, with all attachments, to each of the following persons by U.S. certified mail, return receipt requested, to each of the following:

DONNA M. CATON, Chief Clerk  
Illinois Commerce Commission  
527 East Capital Avenue  
Springfield, Illinois 627094-9280  
(original and four copies)

WISCONSIN CENTRAL LTD.  
c/o Janet Gilbert, Registered Agent  
6250 N. River Road, 9th Floor  
Rosemont, Illinois 60018

  
Attorney

Name: John T. Kennedy  
Special Assistant Attorney General  
Attorney for: Plaintiff  
Address: 500 Davis Street, Suite 701  
City: Evanston, IL 60201  
Telephone: (847) 425-1115



Owner: Wisconsin Central Limited Railroad  
Route: FAP 344 (US Route 45)  
Section:  
County: Lake  
Job No. : R91-019-91  
Parcel No.: 0026PE-A  
Station 3 + 753.340 To Station 3 + 867.025  
Index No.: 10-24-200-002

Parcel 0026PE-A

That part of the Northeast Quarter of Section 24, Township 44 North, Range 10 East of the Third Principal Meridian, in Lake County, Illinois, and also that part of the Wisconsin Central Limited Railroad right of way that lies within said Northeast Quarter, described as follows: Beginning at the southeast corner of Lot 23 in Block 4 in Loch Lomond Unit #2, a subdivision of part of Sections 13 and 24, in Township 44 North, Range 10 East of the Third Principal Meridian, according to the plat thereof recorded April 5, 1956 as document no. 903400, said southeast corner being on the west right-of-way line of said railroad; thence on an assumed bearing of North 02 degrees 25 minutes 57 seconds West, on said west right-of-way line, 100.584 meters [330.00 feet] to a 5/8" rebar with an allied cap stamped "State of Illinois Division of Highways ROW corner IPLSC 89"; thence North 87 degrees 34 minutes 03 seconds East, perpendicular to the last described line, 3.048 meters [10.00 feet] to a 5/8" rebar with an allied cap stamped "State of Illinois Division of Highways ROW corner IPLSC 89"; thence South 02 degrees 25 minutes 57 seconds East, parallel with said west right-of-way line, 103.632 meters [340.00 feet] to a 5/8" rebar with an allied cap stamped "State of Illinois Division of Highways ROW corner IPLSC 89"; thence South 87 degrees 34 minutes 03 seconds West, perpendicular to the last described line, 3.048 meters [10.00 feet] to said west right-of-way line and to a 5/8" rebar with an allied cap stamped "State of Illinois Division of Highways ROW corner IPLSC 89"; thence South 02 degrees 25 minutes 57 seconds East, on said west right of way line, 66.719 meters [218.89 feet] to a 5/8" rebar with an allied cap stamped "State of Illinois Division of Highways ROW corner IPLSC 89"; thence South 87 degrees 34 minutes 03 seconds West, 15.240 meters [50.00 feet] to a 5/8" rebar with an allied cap stamped "State of Illinois Division of Highways ROW corner IPLSC 89"; thence North 02 degrees 25 minutes 57 seconds West, on a line parallel with and 15.240 meters [50.00 feet] West of the west right of way line of said Wisconsin Central Limited Railroad, 69.767 meters [228.89 feet] to the south line of said Lot 23; thence North 87 degrees 34 minutes 03 seconds East, on said south line, 15.240 meters [50.00 feet] to the point of beginning.

Said parcel containing 1379 square meters, more or less, or 0.34<sup>1</sup> acre, more or less.

August 3, 1999

970031\par26PEA

Owner: Wisconsin Central Limited Railroad  
Route: FAP 344 (US Route 45)  
Section:  
County: Lake  
Job No. : R91-019-91  
Parcel No.: 0026PE-C  
Station 4 + 148.407 To Station 4 + 267.209  
Index No.: 10-24-200-002, 10-13-200-038,  
11-18-300-005

Parcel 0026PE-C

That part of the Southeast Quarter of Section 13 and the Southwest Quarter of Section 18, Township 44 North, Range 11 East of the Third Principal Meridian, and the Northeast Quarter of Section 24, Township 44 North, Range 10 East of the Third Principal Meridian, that lies within the Wisconsin Central Limited Railroad, all in Lake County, Illinois, described as follows: Beginning at the southeast corner of Lot 11 in Loch Lomond Unit No. 2, being a subdivision of part of said Southeast and Northeast Quarters, according to the plat thereof recorded April 5, 1956 as document no. 903400; thence on an assumed bearing of North 89 degrees 52 minutes 53 seconds East, on the east extension of the south line of said Lot 11, a distance of 20.917 meters [68.62 feet] to a 5/8" rebar with an allied cap stamped "State of Illinois Division of Highway ROW corner IPLSC 89"; thence North 49 degrees 44 minutes 42 seconds East, 7.378 meters [24.20 feet] to a 5/8" rebar with an allied cap stamped "State of Illinois Division of Highway ROW corner IPLSC 89"; thence North 01 degrees 58 minutes 16 seconds West, 91.082 meters [298.82 feet] to a 5/8" rebar with an allied cap stamped "State of Illinois Division of Highway ROW corner IPLSC 89"; thence North 88 degrees 01 minutes 44 seconds East, perpendicular to the last described line, 3.019 meters [9.90 feet] to the east right-of-way line of said railroad and to the west right-of-way line of U.S. Route 45, and to a 5/8" rebar with an allied cap stamped "State of Illinois Division of Highway ROW corner IPLSC 89"; thence South 02 degrees 25 minutes 57 seconds East, on said east right-of-way line, 118.805 meters [389.78 feet] to a 5/8" rebar with an allied cap stamped "State of Illinois Division of Highway ROW corner IPLSC 89"; thence South 89 degrees 52 minutes 53 seconds West, parallel with the south line of said Lot 11, a distance of 30.505 meters [100.08 feet] to the west right-of-way line of said railroad and to the northeast corner of Lot 13 in said Loch Lomond Unit No. 2 and to a 5/8" rebar with an allied cap stamped "State of Illinois Division of Highway ROW corner IPLSC 89"; thence North 02 degrees 25 minutes 57 seconds West, on said west right-of-way line, 22.839 meters [74.93 feet] to a 5/8" rebar with an allied cap stamped "State of Illinois Division of Highway ROW corner IPLSC 89" and to the point of beginning.

Said parcel containing 1036 square meters, more or less, or 0.256 acre, more or less.

August 3, 1999

970031\par0026PEC

Owner: Wisconsin Central Limited Railroad Co.  
Route: FAP 344 (US Route 45)  
Section:  
County: Lake  
Job No. : R91-019-91  
Parcel No.: 0026PE-E  
Station 0 + 279.255 To Station 0 + 318.293  
Index No.: 10-12-200-008

Parcel 0026PE-E

The South 18.288 meters [60.00 feet] of the Northeast Quarter of Section 12, Township 44 North, Range 10 East of the Third Principal Meridian, in Lake County, Illinois, that lies within the right of way of Wisconsin Central Limited Railroad, formerly known as the Chicago and Wisconsin Railway Company.

Said parcel containing 648 square meters, more or less, or 0.160 acre, more or less.

August 3, 1999

970031\par0026PEE

Owner: Wisconsin Central Limited Railroad Co.  
Route: FAP 344 (US Route 45)  
Section:  
County: Lake  
Job No. : R91-019-91  
Parcel No.: 0026PE-F  
Station 0 + 297.273 To Station 0 + 336.335  
Index No.: 10-12-400-013

Parcel 0026PE-F

The North 18.288 meters [60.00 feet] of the Southeast Quarter of Section 12, Township 44 North, Range 10 East of the Third Principal Meridian, in Lake County, Illinois, lying within the right of way of Wisconsin Central Limited Railroad, formerly known as the Chicago and Wisconsin Railway Company.

Said parcel containing 648 square meters, more or less, or 0.160 acre, more or less.

August 3, 1999

970031\par0026PEf

**ATTACHMENT/EXHIBIT**

**ITEM TO LARGE TO SCAN  
COPY AVAILABLE FROM FORMAL FILE**